



Date: January 6, 2022
To: Water Policy Interim Committee
From: DNRC Water Adjudication Bureau
Subject: DNRC Adjudication Status Report

The Water Adjudication Bureau assists the Montana Water Court in the adjudication of all claims to pre-July 1, 1973 water rights. The Bureau examines all claims and provides a summary report to the Water Court on each of the 85 basins in the state. The Bureau has reviewed claims under several protocols:

- 1982 – 2005: Verification
- 2005 – 2015: Supreme Court rules examination
- 2012 – current: Reexamination, which includes SB355 & HB110 (exempt claims)

Pursuant to legislation passed in 2005 (HB22), the Bureau completed the examination of 57,000 claims under the Supreme Court rules by the June 30, 2015 deadline. As of July 1, 2015, the Bureau was responsible for the reexamination of 90,000 claims in 44 basins, previously decreed under the verification process. The legislature set benchmarks for the Bureau in 2015 (SB57), modified them in 2020 (SB13), requiring all reexamination to be completed by June 30, 2025. The Bureau is required to report progress quarterly to the Water Policy Interim Committee.

Reexamination Benchmarks

- ✓ First benchmark: 10,000 claims by 6-30-2017 (**First Benchmark met**)
- ✓ Second benchmark: 30,000 claims by 6-30-2019 (**Second Benchmark met**)
- ✓ Reexamination (with HB110 and SB355) 65,000 claims by 6-30-2022 (**Third Benchmark met**)
- Reexamination (with HB110 and SB355) 85,000 claims by 6-30-2023
- Reexamination (with HB110 and SB355) 95,000 claims by 6-30-2024
- Reexamination (with HB110 and SB355) All Timely Filed Claims by 6-30-2025
- As of 1/6/2022, DNRC has reexamined 76,981 claims, including 9,833 HB110 and 1,818 SB355 claims

Summary Reports and Decrees Issued

- Since 2015, DNRC has delivered 36 Summary Reports to the Water Court.
- Since 2016, the DNRC has assisted the Water Court in issuing 32 decrees.

Exempt Claim Fillings under SB355 (filing period Oct 1, 2013 - May 7, 2017)

- The DNRC received 2,531 statements of claims for household uses from groundwater, livestock drinking from groundwater, and livestock drinking directly from surface water streams and lakes. As of 1/6/2022 the DNRC has examined 1,818 SB355 claims.

Exempt Claim Fillings under HB110 (filing period May 7, 2017 – June 30, 2019)

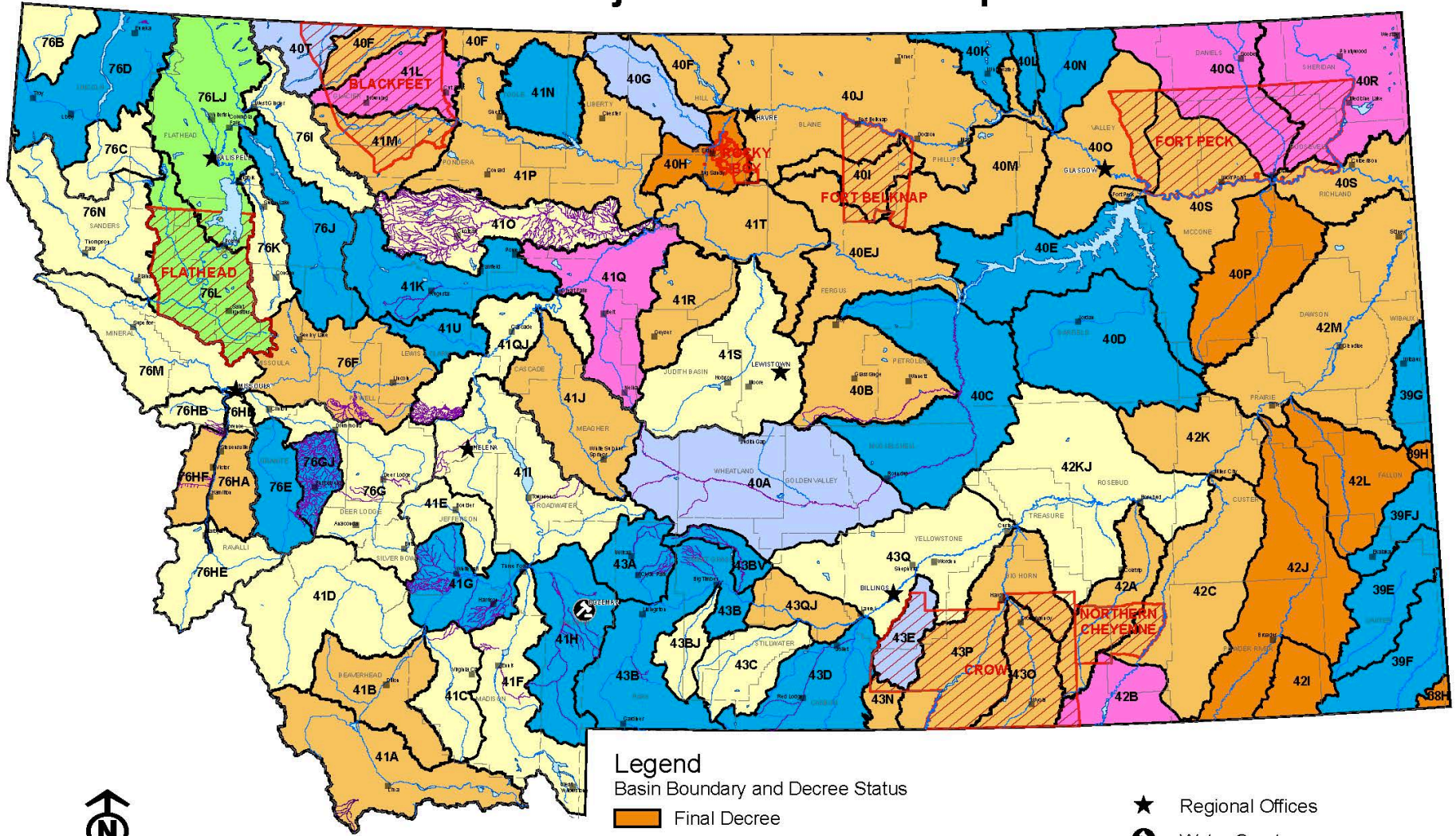
- The DNRC received 25,612 statements of claims for household uses from groundwater, livestock drinking from groundwater, and livestock drinking directly from surface water streams and lakes. As of 10/30/2020 the DNRC has completed initial data entry in the Water Right Query System and as of 1/6/2022 examined 9,833 claims.

- DNRC is currently in the process of examining, processing amendments, and making other corrections in 10 different basins.

Assistance to District Courts for Enforcement of Water Court Decrees

- District Courts approve petitions to create Enforcement Projects that give authority to a Water Commissioner to oversee water distribution and resolve conflicts among water users on 64 water sources and their tributaries. The Water Court has directed DNRC to create Enforcement Projects for these 64 locations.
- An Enforcement Project identifies the location and priority date of all legal diversions of water, along with the flow rates allowed at each point of diversion, including all rights to surface water and groundwater that have potential to affect availability of water to the owner of a right with a more senior priority date. Of these 64 Enforcement Projects, 43 are active and two were new for 2021.

Basin Location & Adjudication Status Map - Jan. 2022



Legend

Basin Boundary and Decree Status

- Final Decree
- Preliminary Decree
- Reexamination Preliminary Decree Issued
- Interlocutory Preliminary Decree Issued
- Temporary Preliminary Decree
- Summary Report Issued
- Interlocutory Summary Issued

- ★ Regional Offices
- ⊙ Water Court
- Streams
- Lakes
- Water Distribution Projects
- Reservations
- County



Water Resources Division - Adjudication Bureau
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